



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EDP/FTB/WJG
F. #2018R2250

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 10, 2023

By ECF

The Honorable Ann M. Donnelly
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Douglass Mackey, 21-CR-80 (AMD)

Dear Judge Donnelly:

The government writes in response to the Court's September 7, 2023 Order requesting that the parties explain whether the documents filed under docket numbers 138, 142, 157, 158 and 159 should remain under seal.

As the government stated in footnote one of its June 28, 2023 letter response (Docket No. 142), the government does not believe there was a basis for sealing its submission, with the exception of the second bulleted paragraph and accompanying footnote, as it characterized a matter that the Court had previously placed under seal. Notwithstanding that position, the government submitted its letter response provisionally under seal because the defendant had placed his motion under seal. Having now reviewed the five documents highlighted by the Court in its Order, the government does not believe there is a basis for keeping its own submission under seal, with the exception of the aforementioned bulleted

paragraph and accompanying footnote; nor is it aware of a basis for continuing to seal the defendant's submissions or the Court's memorandum opinion.

Respectfully submitted,

BREON PEACE
United States Attorney

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